

### REMARKS

Claims 30-57 and 63-70 are pending in the present application. In the Office Action, claims 45, 46, 55, and 68 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. Claims 45, 46, 55, and 68 have been amended. Applicants request that the Examiner's rejections of these claims under 35 USC 112, second paragraph, be withdrawn.

In the Office Action, claims 30, 50, and 63 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 21, and 40 of U.S. Patent Application Serial No. 09/852,372. In the interest of expediency, Applicants have included herein a terminal disclaimer and respectfully request that the Examiner's rejection of claims 30, 50, and 63 be withdrawn. However, it will be appreciated that the filing of the terminal disclaimer to obviate the Examiner's rejection is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. vs. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed Cir. 1991). See, e.g., MPEP §804.03.

In the Office Action, claims 30, 45, 50, and 63 were rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi, et al (U.S. Patent No. 5,615,263). The Examiner's rejections are respectfully traversed.

Takahashi describes a dual-mode processor 12 that may be used in a secure mode or a normal mode. The dual-mode processor 12 communicates with a control channel processor 11 and a demultiplexer 13, which receives an encrypted data stream 14 and produces a demultiplexed decrypted data stream 15. See Takahashi, col. 2, ll. 28-61 and Figure 1. Upon entry to the secure mode, a hardware control circuit 26 disables input/output to the dual-mode processor 12. Upon exiting the secure mode, the hardware control circuit 26 enables

input/output to the dual-mode processor 12. See Takahashi, col. 3, ll. 48-51. However, Takahashi does not describe or suggest security hardware that includes a lock override register configured to deny access to one or more secure assets when a lock override it is set, as set forth in independent claim 30 and claims depending therefrom, such as claim 45.

Takahashi also fails to teach or suggest restricting access to the security assets in response to the computer system being in a first operating mode that is different from a secure operating mode, as set forth in independent claims 50 and 63. Takahashi further fails to teach or suggest requesting access to the security assets while in the first operating mode, receiving access to the security assets while in the first operating mode, and permitting access to the security assets in response to receiving access to the secured assets while in the first operating mode, as set forth in independent claims 50 and 63.

For at least these reasons, Applicants respectfully submit that the present invention is not anticipated by Takahashi and request that the Examiner's rejections of claims 30, 45, 50, and 63 under 35 U.S.C. 102(b) be withdrawn.

In the Office Action, claims 30, 32-38, 48, 50, and 63 were rejected under 35 U.S.C. 102(e) as being anticipated by Angelo, et al (U.S. Patent No. 6,581,162), which will be referred to hereinafter as Angelo '162. The Examiner's rejections are respectfully traversed.

Angelo '162 describes a computer system that may be operated in a normal mode and a System Management Mode (SMM). While the system is in the System Management Mode, an encryption algorithm may be stored in a secure memory space that is not accessible to normal software processes that operate in the normal mode. However, Angelo '162 does not describe or suggest security hardware that includes a lock override register configured to deny access to one

or more secure assets when a lock override bit is set, as set forth in independent claim 30 and claims depending therefrom, such as claims 32-38 and 48.

Angelo '162 also fails to teach or suggest restricting access to the security assets in response to the computer system being in a first operating mode that is different from a secure operating mode, as set forth in independent claims 50 and 63. Angelo '162 further fails to teach or suggest requesting access to the security assets while in the first operating mode, receiving access to the security assets while in the first operating mode, and permitting access to the security assets in response to receiving access to the secured assets while in the first operating mode, as set forth in independent claims 50 and 63.

For at least these reasons, Applicants respectfully submit that the present invention is not anticipated by Angelo '162 and request that the Examiner's rejections of claims 30, 32-38, 48, 50, and 63 under 35 U.S.C. 102(e) be withdrawn.

In the Office Action, claims 30, 50, and 63 were rejected under 35 U.S.C. 102(b) as being anticipated by Angelo, et al (U.S. Patent No. 5,748,888), which will be referred to hereinafter as Angelo '888. The Examiner's rejections are respectfully traversed.

Angelo '888 describes a computer system that may be operated in a normal mode and a System Management Mode (SMM). While the system is in the System Management Mode, keyboard data may be directed to a non-readable security device. However, Angelo '888 does not describe or suggest security hardware that includes a lock override register configured to deny access to one or more secure assets when a lock override bit is set, as set forth in independent claim 30. Angelo '888 also fails to teach or suggest restricting access to the security assets in response to the computer system being in a first operating mode that is different from a secure operating mode, as set forth in independent claims 50 and 63. Angelo '888 further fails to

teach or suggest requesting access to the security assets while in the first operating mode, receiving access to the security assets while in the first operating mode, and permitting access to the security assets in response to receiving access to the secured assets while in the first operating mode, as set forth in independent claims 50 and 63.

For at least these reasons, Applicants respectfully submit that the present invention is not anticipated by Angelo '888 and request that the Examiner's rejections of claims 30, 50, and 63 under 35 U.S.C. 102(b) be withdrawn.

In the Office Action, claims 30, 44, 50, and 63 were rejected under 35 U.S.C. 102(b) as being anticipated by the Hadfield publication. The Examiner's rejections are respectfully traversed.

Hadfield describes user accounts that may be used in a Windows NT Environment. A user may access resources, such as files, in the Windows NT Environment by logging on using a valid name and password. The Examiner alleges that files may be considered secure assets. Applicants respectfully disagree and submit that files are not necessarily secure and many files may be accessed by any user. Accordingly, Applicants respectfully submit that Hadfield fails to teach or suggest one or more secure assets coupled to a processor, as set forth in independent claim 30 and claims depending therefrom, such as claim 44.

Applicants also submit that Hadfield fails to teach or suggest security hardware configured to allow access to the secure assets in the secure operating mode and which also includes a lock override register configured to deny access to the secure assets when a lock override bit is set, as set forth in independent claim 30. Hadfield also fails to teach or suggest restricting access to the security assets in response to the computer system being in a first operating mode that is different from a secure operating mode, as set forth in independent claims

50 and 63. Hadfield further fails to teach or suggest requesting access to the security assets while in the first operating mode, receiving access to the security assets while in the first operating mode, and permitting access to the security assets in response to receiving access to the secured assets while in the first operating mode, as set forth in independent claims 50 and 63.


For at least these reasons, Applicants respectfully submit that the present invention is not anticipated by Hadfield and request that the Examiner's rejections of claims 30, 44, 50, and 63 under 35 U.S.C. 102(b) be withdrawn.

In the Office Action, the Examiner objected to claims 40-43, 54, 56, 67, and 69 as being dependent upon a rejected base claim, but indicated that these claims contain allowable subject matter. Pursuant to the above arguments, Applicants respectfully submit that claims 40-43, 54, 56, 67, and 69 are in condition for allowance.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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